

OFFICE COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CARDONE

In the Matter of Arbitration Between:

ERIC RUBENSTEIN, AARON SEGAL, SCOTT
CARDONE and DAVID LANDSKOWSKY,

Plaintiffs/Petitioners,

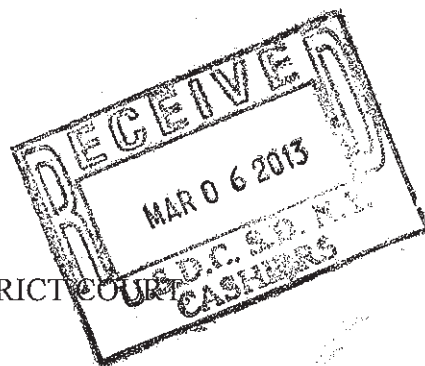
- against -

ADVANCED EQUITIES, INC., BYRON CROWE,
DWIGHT BADGER and KEITH DAUBENSPECK

Defendants/Respondents.

13 - CV 1502

NOTICE OF REMOVAL



TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Respondents by their attorneys, Herrick, Feinstein LLP, respectfully seek the removal of this civil action and state as follows:

1. In this Notice of Removal, Respondents, Advanced Equities, Inc. ("AEI"), Byron Crowe, Dwight Badger, and Keith Daubenspeck ("Respondents") exercise their right under the provisions of 28 U.S.C. § 1441 et. seq., to remove this action from the Supreme Court of the State of New York, County of New York, to this Court.

Background of this Action

2. Eric Rubenstein, Aaron Segal, Scott Cardone, and David Landskowsky ("Petitioners") commenced a special proceeding to vacate an arbitration award in New York State Supreme Court, County of New York styled Eric Rubenstein, Aaron Segal, Scott Cardone, and David Landskowsky v. Advanced Equities, Byron Crowe, Dwight Badger, and Keith Daubenspeck, Index No. 650376/2013.

3. The Petitioners filed a Notice of Petition, a Petition, a Request for Assignment to Commercial Division, a Memorandum of Law, and an Affirmation in the Supreme Court of the State of New York, County of New York on February 4, 2013. Pursuant to the provisions of 28 U.S.C. § 1446, a copy of the entire court record and pleadings in the Supreme Court, County of New York is filed herewith. See Appendix hereto, filed herewith.

4. Petitioners filed the subject Petition to vacate an arbitration award (the "Arbitration Award") that was entered following an arbitration before FINRA styled Scott Cardone, Todd Harrigan, Timothy Herrmann, David Landskowsky, Eric Rubenstein, Aaron Segal v. Advanced Equities, Inc., Dwight Badger, Byron Crowe, Keith Daubenspeck, FINRA Arbitration No. 10-00813. The arbitration matter was arbitrated in New York, New York.

5. Respondents' counsel agreed to accept service on behalf of Respondents on February 21, 2013.

The Petitioners

6. Specifically, at the time of the filing of this Notice of Removal, upon information and belief and as alleged, Petitioners Eric Rubenstein, Scott Cardone, and Aaron Segal are all individuals residing in the state of New York. See Petition at 2 and Memorandum of Law at 3. Petitioners alternately allege that David Landskowsky resides in New Jersey and in New York. Id. However, upon information and belief, Petitioner David Landskowsky is an individual residing in the state of New Jersey.

The Removing Respondents

7. Respondent AEI maintains a principal place of business located at 311 South Wacker Drive, Suite 1650, Chicago, Illinois 60606, and was formed under the laws of

Indiana. Respondents Byron Crowe, Dwight Badger, and Keith Daubenspeck are individuals currently residing in the State of Illinois.

Grounds for Removal

8. This action is being removed pursuant to 28 U.S.C. § 1441 *et. seq.*, inasmuch as this action could have originally been brought in this Court pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship between Petitioners and Respondents and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

9. This Notice of Removal is timely filed as it is being submitted within one year from the commencement of this action and within 30 days of service of the Petition to Vacate the Arbitration Award filed in the Supreme Court of the State of New York, County of New York.

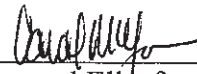
10. Written notice of the filing of this Notice of Removal will be given to the Petitioners as required by 28 U.S.C. § 1446.

11. A true copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of the State of New York, County of New York, as required by 28 U.S.C. § 1446.

WHEREFORE, Respondents respectfully request that this action be removed from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York and that this action be placed on the docket of this Court for further proceedings.

Dated: New York, New York
March 6, 2013

HERRICK, FEINSTEIN LLP

By: 
Howard Elisofon, Esq.
Carol M. Goodman, Esq.
2 Park Avenue
New York, NY 10016
(212) 592-1400 (Phone)
(212) 592-1500 (Fax)
helisofon@herrick.com
Attorneys for Respondents

TO: THE ROTH LAW FIRM, PLLC
Richard A. Roth, Esq.
Jordan M. Kam, Esq.
295 Madison Avenue, 22nd Floor
New York, New York 10017
(212) 542-8883
Attorneys for Petitioners